

ENTERED

November 15, 2018

David J. Bradley, Clerk

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

KELLY MICIAK,

Plaintiff,

v.

ARIES WORLDWIDE LOGISTICS,
LLC and ARIES FREIGHT
SYSTEMS LP

Defendants.

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CASE NO. 4:18-CV-00398

**ORDER APPROVING SETTLEMENT AGREEMENT AND
DISMISSING CLAIMS WITH PREJUDICE**

Before the Court is the Parties' Joint Motion to Approve Settlement and Dismiss Action with Prejudice. This Court has read the Motion and reviewed the Settlement Agreement and hereby finds as follows:

The Settlement Agreement resolves a *bona fide* dispute between the Parties regarding whether or not Plaintiffs were properly classified as exempt employees, whether Defendants are responsible for overtime wages under the Fair Labor Standards Act (FLSA), and whether any liquidated damages are owed.

This Court further finds that the Settlement Agreement is fair and reasonable in light of the following:

- Because the Settlement was negotiated at arms' length between experienced counsel, there is no evidence of fraud or collusion in the Settlement Agreement;
- The nature of misclassification claims requires individualized inquiries and determinations, increasing the complexity, expense and likely duration of litigation;

APPROVED AND ENTRY REQUESTED:



DAVID I. MOULTON

State Bar No. 24051093

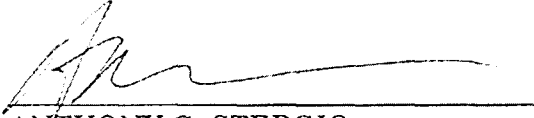
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- The Parties were able to exchange information and thoroughly assess the legal and factual merits of the claims and defenses to assist in their settlement discussions;
- The settlement terms reflect a fair recovery. The settlement amount recognizes the reasonable likelihood of recovery, the costs attendant to continued litigation, and adequately compensates counsel for their efforts in pursuing this matter;
- Finally, this Court agrees with the opinions of counsel that the Settlement is fair and reasonable.

For the foregoing reasons, this Court approves the Settlement Agreement and hereby orders that this case be dismissed, with prejudice.

SIGNED at Houston, Texas on this 13th day of November, 2018.



Lee H. Rosenthal
Chief United States District Judge